

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT MARTIN,

Plaintiff,

vs.

Case No.: 2:15-cv-2435

JUDGE SMITH

Magistrate Judge King

HFC, et al.,

Defendants.

ORDER

On August 4, 2015, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Motion to Proceed *In Forma Pauperis* be denied and that he be granted thirty days to pay the full filing fee. Failure to timely pay the filing fee will result in dismissal of this action for want of prosecution. (*See Report and Recommendation*, Doc. 7). This Report and Recommendation followed a previous Opinion and Order by the Magistrate Judge giving Plaintiff 30 days to file an application that complies with the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915(a)(2).¹ Plaintiff was specifically advised that failure to do so would result in the denial of leave to proceed *in forma pauperis*. Plaintiff filed an Objection to that Order, which is also currently before the Court for review. (*See* Doc. 5). And then Plaintiff filed a "Motion for Leave to Proceed In Forma Pauperis do to Indigency Status Below Poverty Level Attested to in 28 U.S.C. 1746 affidavit under Penalties for Perjury." (*See* Doc. 6). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the June 24,

¹ Plaintiff's initial Motion (Doc. 1) was deficient and he had to submit the required executed trust fund statement from his institution pursuant to the PLRA, 28 U.S.C. § 1915(a)(2). (*See* Doc. 2).

2015 Opinion and Order (Doc. 5) and Plaintiff's Objections to the August 4, 2015 *Report and Recommendation* (Doc. 8). The Court will consider these matters *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present the same issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff continues to object and argue that he does not have to comply with the requirements of the PLRA. However, Plaintiff has repeatedly been advised that he must comply with the PLRA. See 28 U.S.C. § 1915(a)(2); *see also Martin v. Lowery*, Case No. 05-3258 (6th Cir. Sept. 30, 2005); *Martin v. Woods*, Case No. 2:12-cv-341, *Report and Recommendation* (S.D. Ohio July 2, 2012). Further, he objects to the Magistrate Judge's authority to rule on his *in forma pauperis* motion. Again, Plaintiff is mistaken as the Magistrate Judge's authority is set forth in 28 U.S.C. § 636(b)(1). Therefore, for the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff's objections to both the Opinion and Order and the Report and Recommendation are without merit and are hereby **OVERRULED**.

Both the June 24, 2015 Opinion and Order (Doc. 2) and the August 4, 2015 *Report and Recommendation* (Doc. 7) are **ADOPTED** and **AFFIRMED**. Plaintiff has thirty days from the date of this Order to pay the full filing fee. Failure to timely pay the filing fee will result in dismissal of this action for want of prosecution. The Clerk shall remove Documents 1, 5, 6, 7, and 8 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT